

PLYMOUTH CITY COUNCIL

Subject: Wetherspoons (former Library) 95-99 Ridgeway, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 16 April 2013

Cabinet Member: Councillor Brian Vincent

CMT Member: Director for Place

Author: Marie Price (Licensing Officer)

Contact details: 01752 307981
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from JD Wetherspoon plc in respect of Wetherspoons (former Library) 95-99 Ridgeway, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2012 – 2015:

This report links to the delivery of the City and Council priorities. In particular:

- I. Delivering Growth.

See <http://www.plymouth.gov.uk/corporateplan.htm>

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

Not applicable

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? Yes/No

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None.

Published work / information:

For more information please see the below links.

Licensing Policy http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf

Licensing Act <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Application										

Sign off:

Fin		Leg	SD/I 9.3.1 3/17 108	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

1.0 Introduction

1.1 On the 19th February 2013 the licensing department received an application from JD Wetherspoon plc for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Wetherspoons situated at 95-99 Ridgeway, Plymouth .

1.2 Grant application.

The application is for a proposed two storey public house and restaurant with customer area and small external area on the ground floor.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(l) Late Night Refreshment (Indoors)</u>		
Monday to Wednesday	11:00pm	Midnight
Thursday to Saturday	11:00pm	1:00am
Sunday	11:00pm	Midnight
Non Standard Timings: Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays New Years Eve: 23.00 to 05.00		
<u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u>		
Monday to Wednesday	08:00pm	Midnight
Thursday to Saturday	08:00pm	1:00am
Sunday	08:00pm	Midnight
Non Standard Timings: Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays - an additional hour New Years Eve from the end of the permitted hours until the start of permitted hours on New Year's Day		
<u>(o) Hours Premises are Open to the Public</u>		
Monday to Wednesday	07:00am	00:30am
Thursday to Saturday	07:00am	1:30am
Sunday	07:00am	00:30am
Non Standard Timings: Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/the morning BST commences - an additional hour New Years Eve from the end of the permitted hours until the start of permitted hours on New Year's Day		

The steps the applicant intends to take to promote the four licensing objectives are attached at Appendix I.

1.4 Representations have been received in respect of this application.

1.5 **Cumulative Impact Policy**

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 **RESPONSIBLE AUTHORITIES**

- 2.1 *Devon & Cornwall Police* – have made representation relating to the prevention of crime and disorder (Appendix 2).
- 2.2 *Environmental Health* – have made representation relating to the prevention of Public Nuisance (Appendix 3).
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no representations
- 2.7 *Health & Safety Executive* – no representations.
- 2.8 *Health Authority* – no representations.
- 2.9 *Licensing Authority* – no representations.

3.0 **OTHER PARTIES**

No representations have been received

4.0 **CONSIDERATIONS**

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

R. Carton
Manager of Public Protection Service

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

1. The premises licence holder will ensure that all staff at the premises have been trained in accordance with established JD Wetherspoon plc trading procedures. Specifically the premises licence holder will ensure that all employees are trained in their responsibilities to prevent alcohol being served to anybody who is under the legal age limit or to anyone who appears to be drunk or to anyone who is trying to purchase alcohol on their behalf.

b) The prevention of crime and disorder

1. The premises licence holder will ensure that there are sufficient staffing levels including managers to encourage responsible behaviour on the premises at all times.
2. CCTV shall be installed in the premises in compliance with any reasonable requirements of the police. Images will be retained for a minimum of 30 days and will be available to the police upon request. Members of the management team will be trained in the use of the system.
3. Non-alcoholic beverages including soft drinks, water, coffee and tea shall be available at all times, sale by retail of alcohol carried out at the premises.

c) Public safety

See conditions 1 to 3 Box B above.

d) The prevention of public nuisance

See conditions 1 to 3 Box B above.

1. There shall be no use of the upper external area by customers for any purpose between 2100 and 0900 the next day.

Miss Marie Price
Licensing officer
Plymouth City Council
Armada Way
Plymouth

David McIndoe
Licensing Officer
Charles cross Police Station
Plymouth

Telephone: 01752 720473

18 March 2013

Our ref:
Your ref:

Re: Application to Grant a Premises Licence –Wetherspoons 95-99 Ridgeway Plympton

Dear Miss Price

With regard to the above application, please be advised the police intend to make representations to the Plymouth City Licensing Committee as our negotiations with the company are incomplete.

The Devon and Cornwall Police have concerns regarding the terminal hour of the premises as we believe the closing time of 0130hrs would have a detrimental effect on the Licensing Objective of The Prevention of Crime and Disorder.

We are also seeking to attach conditions to the licence to facilitate effective engagement with all four licensing objectives.

The company has been supplied with our suggested amendments, the last contact being on Thursday 14th March 2013.

It appears that the company will not be in a position to make a decision on these matters within the statutory time limit and cannot respond until after 19th March 2013.

Therefore the Devon and Cornwall Police wish to object to this application on the grounds it will undermine the Licensing Objective of The Prevention of Crime and Disorder.

Yours sincerely

David McIndoe

david.mcindoe@devonand cornwall. pnn.police.uk

Suggested Conditions Weatherspoons Ridgeway Plympton.

General

All staff will be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.

The training will be recorded in documentary form that will be available for inspection on at the time of a request by a member of any relevant authority. The records will be retained for at least 12months.

Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS will be the holder of a personal licence obtained following the attainment of a nationally recognized qualification.

Prevention of Crime And Disorder

Where the premises operate after Midnight SIA registered door supervisors will be employed and operate to the ratio of 2 for the first 100 customers and one for every hundred thereafter.

All door staff shall be trained in the requirements of the Challenge 21 policies the identification & recognition of drunks and the correct procedure to be followed when refusing service.

The training will be repeated at least every 4 months and will be recorded in documentary form that will be available for inspection at the time of request by a member of any relevant authority. The records will be retained for at least 12months.

All drinks shall be served in plastic/paper/ toughened glass or polycarbonate containers

Frequent collection of glasses and bottles will be undertaken at regular intervals to ensure there is no build up of empty in and around the premises

CCTV

The Premises Licence Holder will ensure that a CCTV system which is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document regarding installation of CCTV.

The CCTV will cover all areas of the premises to which the public have access including any outside areas

Images will be retained for a minimum of 31 days

The system will be capable of downloading images to a recognizable viewable format.

At all times the premises are open for business a member of staff will be present who is capable of operating the system and downloading images at the request of police or a member of a responsible authority.

The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

The Licence holder and Designated Premises Supervisor will ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community.

Protection of Children from Harm

The premises will operate a challenge 21 policy

All bar staff supervisors and managers will be trained in the legality and procedure of alcohol sales, using the SWERCOTS training pack or equivalent, prior to undertaking the sale of alcohol and then again at least every six months.

Training shall be signed and documented and training records will be kept on the premises and be made available to an enforcement officer on request.

MEMO

Public Protection Service


PLYMOUTH
CITY COUNCIL
Licensing Act 2003**Environmental Health Representation**From: **Unit Manager, Public Protection Service**To: **Head of Licensing Section**FAO: **Peter Clemens**Date: **18th March 2013**Schedule Ref: **839431**Investigating Officer: **Will Tomkins**Extension Number: **5740****Application Details****Premises: JD Wetherspoons, 95-99 Ridgeway, Plympton, PL7 2AA****Name of Applicant: JD Wetherspoons plc****Address: JD Wetherspoons plc, PO Box 616, Watford, WD24 4QU****Type of Application:****Supply of Alcohol****Provision of Late Night Refreshment****Date of Inspection: 6th March 2013****Representation**

This department would like to make the following representation:

I consider the application to undermine the following licensing objectives:

The Prevention of Public Nuisance

The likely effect of granting the licence as applied will undermine the licensing objectives because:

There are residential dwellings situated on both sides of the licensable area above the neighboring commercial units. If the application is granted as applied, there is the potential for significant disturbance due to noise from patrons using the outside area until midnight. There is the potential for shouting and raised voices, particularly where customers may be under the influence of alcohol. There are no control measures suggested by the applicant to reduce the impact of noise from the outside area, apart from to ask

customers to leave the premises quietly. This does not demonstrate a commitment to putting in place policies and procedures for the prevention of public nuisance whilst customers are using the premises during trading hours.

Recommendations

The Department has carefully considered the application in light of the information received to date, and has considered this information with regard to conditions that could be attached to the licence in order to promote the Licensing Objectives for Public Nuisance. I am of the opinion that in addition to the information supplied by the applicant, there are more stringent policies and procedures are required to be put in place to provide more effective control of the potential for public nuisance.

I therefore recommend that this application is granted, subject to the following conditions:

The Prevention of Public Nuisance:

- 1. There shall be no consumption of beverages in any outside areas between 2100 and 0900 hours the following day.**